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Attorneys for Plaintiff
Roxana ARVANDI

E-ming

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RS

Roxana ARVANDI

Plaintiff,

v.

F. Gerard HEINAUER, in his Official Capacity,
Director, Nebraska Service Center, U.S. Citizenship
and Immigration Services, U.S. Department of
Homeland Security; Christina POULOS, in her
Official Capacity, Director, California Service Center,
U.S. Citizenship and Immigration Services, U.S.
Department of Homeland Security; Emilio T.
GONZALEZ, in his official Capacity, Director, U.S.
Citizenship and Immigration Services, U.S.
Department of Homeland Security; Michael
CHERTOFF, in his Official Capacity, Secretary, U.S.
Department of Homeland Security; Michael B.
MUKASEY, in his Official Capacity, Attorney
General, U.S. Department of Justice; and Robert S.
MUELLER, III, in his Official Capacity, Director,
Federal Bureau of Investigation

Defendants.

CV 07 6039

Case No. _____

**Declaration of Beth
Feinberg in Support of
Petition for Writ of
Mandamus**

Immigration Case, Administrative
Procedure Act Case

Agency No.: A97 885 694

DECLARATION OF BETH FEINBERG

I, Beth Feinberg, hereby declare the following:

1. I am an Associate Attorney at Van Der Hout, Brigagliano and Nightingale, LLP, 180 Sutter Street, Fifth Floor, San Francisco, CA 94104. I have personal knowledge of the following information and the enclosed documents because Van Der Hout, Brigagliano & Nightingale, LLP represents Plaintiff Roxana ARVANDI ("Plaintiff") in her immigration matters. I make this declaration in support of Plaintiff's Petition for Writ of Mandamus.

2. Plaintiff is a citizen and national of Iran. She holds a Master of Science degree in Electrical Engineering from the University of Nevada, Las Vegas. Plaintiff has been lawfully employed as a Senior Member of the Technical Staff at Maxim Integrated Products in Sunnyvale, California since April 2001, and has maintained lawful non-immigrant status during the entire time she has been in the United States. She currently has an Employment Authorization Document that is valid until January 17, 2008, and also has valid H-1B status until February 15, 2008. A copy of Plaintiff's most recent Employment Authorization Card and Approval Notice, and a copy of Plaintiff's most recent H-1B approval notice are attached as Exhibit A.

3. On November 10, 2004, Plaintiff filed an employment-based Application to Adjust Status (Form I-485) ("AOS application") with the USCIS California Service Center, which was subsequently transferred to the USCIS Nebraska Service Center. A copy of Plaintiff's AOS application and Receipt Notice is attached as Exhibit B.

4. Plaintiff's AOS application was based on an Immigrant Petition for Alien Worker (Form I-140) ("I-140 Immigrant Petition") filed by Maxim Integrated Products, which classifies Plaintiff as a member of the professions with an advanced degree, pursuant to 8 U.S.C. § 1153(b).

1 The I-140 Immigrant Petition was approved by the USCIS California Service Center on June 22,
2 2005. A copy of the Approval Notice for the I-140 Immigrant Petition is attached as Exhibit C.

3 5. On May 11, 2005, Plaintiff, through prior counsel, contacted the USCIS California
4 Service Center via electronic mail to inquire about the status of her adjustment of status
5 application. On June 7, 2005, Plaintiff received a response to this inquiry via electronic mail
6 from James A. Williams, Center Adjudications Officer of the California Service Center. In that
7 response, Mr. Williams stated that Plaintiff's AOS application was still pending because USCIS
8 was "awaiting NAME CHECK results" from the FBI. A copy of USCIS' June 7, 2005 response
9 is attached as Exhibit D.
10

11 6. On July 26, 2005, Plaintiff, through prior counsel, again contacted the USCIS California
12 Service Center via electronic mail to inquire about the status of her adjustment of status
13 application. On August 9, 2005, Plaintiff again received a response to this inquiry via electronic
14 mail from Mr. Williams, who again stated that Plaintiff's AOS application was still pending
15 because USCIS was "awaiting NAME CHECK results" from the FBI. A copy of USCIS' August
16 9, 2005 response is attached as Exhibit E.
17

18 7. On November 30, 2005, Plaintiff, through prior counsel, contacted the USCIS
19 California Service Center liaison via electronic mail to inquire about the status of her adjustment
20 of status application. On January 4, 2006, Plaintiff, through prior counsel, again contacted the
21 USCIS California Service Center liaison via electronic mail to inquire about the status of her
22 adjustment of status application. As far as undersigned counsel is aware, Plaintiff did not receive
23 a response to either of these inquiries.
24

25 8. On June 21, 2006, Plaintiff called the USCIS customer service number to inquire as to
26 the status of her adjustment of status application. On June 23, 2006, USCIS sent Plaintiff a letter
27
28

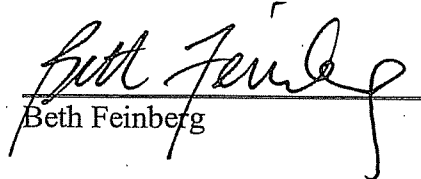
1 stating that the processing of her AOS application had been delayed because the background
2 check was still pending. A copy of USCIS' June 23, 2006 letter is attached as Exhibit F.

3 9. On January 31, 2007, Plaintiff again called the USCIS customer service number to
4 inquire as to the status of her adjustment of status application. On April 4, 2007, USCIS sent a
5 letter to Plaintiff, stating that her AOS application was still pending because it "is currently
6 undergoing extended review." A copy of USCIS' April 4, 2007 letter is attached as Exhibit G.
7

8 10. On August 6, 2007, Plaintiff again called the USCIS customer service number to inquire
9 as to the status of her adjustment of status application. Plaintiff informed me that she was told
10 that her application had still not been adjudicated because her FBI name check remained pending.
11

12 11. The USCIS website shows that as of November 14, 2007, the agency is currently
13 processing employment-based adjustment of status applications received on or before April 14,
14 2007. A computer printout showing the USCIS Processing Dates is attached as Exhibit H.

15 I declare under penalty of perjury that the above information is true and correct to the best of my
16 knowledge. Executed this 29th day of November, 2007 at San Francisco, California.

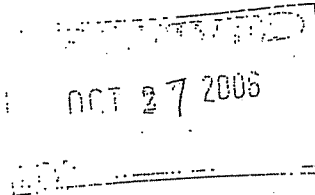
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19 Beth Feinberg
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IMPORTANT INFORMATION – SAVE THIS MAILER

Use this section to speed your application for an extension or replacement card (see below).
Do Not Bend or Fold This Cut-off Section.

ARVANDI, ROXANA
170 COLUMBUS AVE FOURTH FLOOR
SAN FRANCISCO, CA 94133

A# 097-885-694



✂ (Do not Bend or Fold This Cut-off Section)

Form I-797D (Rev.9-30-04)

U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Citizenship and Immigration Services

PERMANENT RESIDENT IDENTIFICATION CARD

The person identified is authorized to work in the U.S. for the validity of this card.

NAME ARVANDI, ROXANA

A# 097-885-694
CARD # WAC0628053096
Birthdate 03/28/72 Category C09 Sex F
Country of Birth Iran
Terms and Conditions None

NOT VALID FOR REENTRY TO U.S.
CARD VALID FROM 01/18/07 EXPIRES 01/17/08

fingerprint not available

Your Application Has Been Approved.

Here is your new card. The expiration date is shown on the front.

Please Check Your Card to Verify That the Information Is Correct.

If you find an error on it, please call us at the telephone number provided below.

Please Protect Your Card.**Please Read the Back of This Notice.**

It has important information. We also recommend that you keep this notice for your records.

If you ever have questions about immigration benefits and procedures, or wish to have an application mailed to you, please call our USCIS National Customer Service Center at **1-800-375-5283**, or check our website at <http://www.uscis.gov>.

USCIS has a guide for new Permanent Residents called *Welcome to the United States: A Guide for New Immigrants*. It has important information about your rights and responsibilities. The guide is available in English and 10 other languages at <http://www.uscis.gov>.

P.O. Box 10765
Laguna Niguel, CA 92607-0765



USCIS California Service Center

Phone Number 1-800-375-5283

Date 10/23/06

A# 097-885-694

Receipt # WAC0628053096

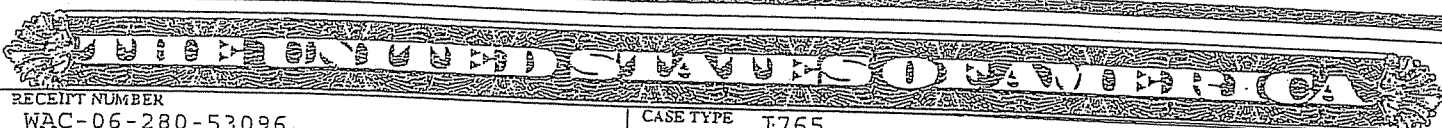
ARVANDI, ROXANA
170 COLUMBUS AVE FOURTH FLOOR
SAN FRANCISCO, CA 94133

EXHIBIT A

U.S. Citizenship
and Immigration
Services



I-797, Notice of Action



RECEIPT NUMBER WAC-06-280-53096		CASE TYPE I765
RECEIPT DATE September 27, 2006	PRIORITY DATE	APPLICATION FOR EMPLOYMENT AUTHORIZATION
NOTICE DATE October 27, 2006	PAGE 1 of 1	APPLICANT A97 885 694 ARVANDI, ROXANA

GRACE HOPPIN
JACKSON & HERTOGS LLP
RE: ROXANA ARVANDI
170 COLUMBUS AVE FOURTH FL
SAN FRANCISCO CA 94133

Notice Type: Approval Notice
Class: C09
Valid from 01/18/2007 to 01/17/2008
Representative's Copy

Your application for employment authorization has been approved. The Form I-688B, Employment Authorization Document, was sent under separate cover to the beneficiary.

This card authorizes your employment in the United States. Show this card to your employer to verify authorization to work during the dates on the card.

If any information on the card is incorrect, please write the office listed below. Include your Employment Authorization Document, I-688B, a photocopy of this notice, and evidence to support the necessary corrections.

THIS APPROVAL NOTICE IS NOT A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION, NOR MAY IT BE USED IN PLACE OF A VISA OR FORM I-688B. However, this Approval Notice in conjunction with a document that establish identity, such as those acceptable documents listed on List B of Form I-9, Employment Eligibility Verification, can be evidence of employment authorization until the new card is received, but no more than 30 days from the issuance of this Approval Notice.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283



RECEIPT NUMBER WAC-07-096-51215		CASE TYPE I129
RECEIPT DATE February 20, 2007	PRIORITY DATE	PETITION FOR A NONIMMIGRANT WORKER
NOTICE DATE June 29, 2007	PAGE 1 of 1	PETITIONER MAXIM INTEGRATED PRODUCTS
GRACE HOPPIN JACKSON & HERTOGS LLP RE: MAXIM INTEGRATED PRODUCTS 170 COLUMBUS AVE FOURTH FLOOR SAN FRANCISCO CA 94133		BENEFICIARY A097 885 694 ARVANDI, ROXANA
		Notice Type: Approval Notice Class: H1B Valid from 02/16/2007 to 02/15/2008

The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and for the period authorized. Any change in employment requires a new petition. Since this employment authorization stems from the filing of this petition, separate employment authorization documentation is not required. Please contact the IRS with any questions about tax withholding.

The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, *Arrival-Departure Record*. This should be turned in with the I-94 when departing the U.S. The left part is for his or her records. A person granted an extension of stay who leaves the U.S. must normally obtain a new visa before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file Form I-824, *Application for Action on an Approved Application or Petition*, with this office to request that we notify a consulate, port of entry, or pre-flight inspection office of this approval.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
JAGUNA, NIGUEL, CA 92607-0111
Customer Service Telephone: (800) 375-5283
Form I797A (Rev. 09/07/93)N



PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt # WAC-07-096-51215

I-94# 933708912 10

NAME ARVANDI, ROXANA

CLASS H1B

VALID FROM 02/16/2007 UNTIL 02/15/2008

PETITIONER: MAXIM INTEGRATED PRODUCTS
120 SAN GABRIEL DR
SUNNYVALE CA 94086

933708912 10

Receipt Number WAC-07-096-51215

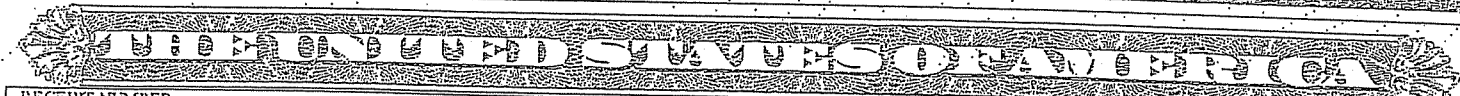
Immigration and
Naturalization Service

I-94

Departure Record

Petitioner: MAXIM INTEGRA

14 Family Name ARVANDI		16. Date of Birth 03/28/1972
15 First (Given) Name ROXANA		
17 Country of Citizenship IRAN		



RECEIPT NUMBER WAC-05-031-50539		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE November 10, 2004	PRIORITY DATE	APPLICANT A97 885 694 ARVANDI, ROXANA
NOTICE DATE November 16, 2004	PAGE 1 of 1	
GRACE HOPPIN JACKSON & HERTOGS RE: ROXANA ARVANDI 170 COLUMBUS AVE FOURTH FLOOR SAN FRANCISCO CA 94133-5160		Notice Type: Receipt Notice Amount received: \$ 385.00 Section: Adjustment as direct beneficiary of immigrant petition

Receipt notice - If any of the above information is incorrect, call customer service immediately.

Processing time - Processing times vary by kind of case.

- You can check our current processing time for this kind of case on our website at uscis.gov.
- On our website you can also sign up to get free e-mail updates as we complete key processing steps on this case.
- Most of the time your case is pending the processing status will not change because we will be working on others filed earlier.
- We will notify you by mail when we make a decision on this case, or if we need something from you.
- If you move while this case is pending, call customer service when you move.
- Processing times can change. If you don't get a decision or update from us within our current processing time, check our website or call for an update.

If you have questions, check our website or call customer service. Please save this notice, and have it with you if you contact us about this case.

Notice to all customers with a pending I-130 petition - USCIS is now processing Form I-130, Petition for Alien Relative, as a visa number becomes available. Filing and approval of an I-130 relative petition is only the first step in helping a relative immigrate to the United States. Eligible family members must wait until there is a visa number available before they can apply for an immigrant visa or adjustment of status to a lawful permanent resident. This process will allow USCIS to concentrate resources first on cases where visas are actually available. This process should not delay the ability of one's relative to apply for an immigrant visa or adjustment of status. Refer to www.state.gov/travel <<http://www.state.gov/travel>> to determine current visa availability dates. For more information, please visit our website at www.uscis.gov or contact us at 1-800-375-5283.

Always remember to call customer service if you move while your case is pending. If you have a pending I-130 relative petition, also call customer service if you should decide to withdraw your petition or if you become a U.S. citizen.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283

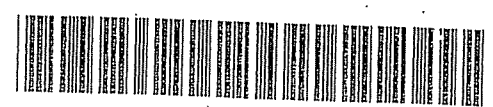


EXHIBIT B

U.S. Department of Justice
Immigration and Naturalization Service

Form I-485, Application to Register
Permanent Resident or Adjust Status

START HERE - Please Type or Print

Part 1. Information About You.

Family Name Arvandi	Given Name Roxana	Middle Initial
Address - C/O		
Street Number and Name 5041 Vanderbilt Drive		Apt. #
City San Jose		
State California	Zip Code 95130	
Date of Birth (month/day/year) 3/28/1972	Country of Birth Iran	
Social Security # 530-87-8262	A # (if any)	
Date of Last Arrival (month/day/year) 8/17/1996	I-94 # 988851032 04	
Current INS Status H-1B	Expires on (month/day/year) 2/15/2005	

Part 2. Application Type. (check one)

I am applying for an adjustment to permanent resident status because:

- a. ☒ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice-- or a relative, special immigrant juvenile or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- b. ☐ my spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
- c. ☐ I entered as a K-1 fiancé(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e). [Attach a copy of the fiancé(e) petition approval notice and the marriage certificate.]
- d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. ☐ I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- f. ☐ I am the husband, wife or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- g. ☐ I have continuously resided in the U.S. since before January 1, 1972.
- h. ☐ Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.)

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Check one)

- i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.
- j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

FOR INS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
Applicant Interviewed	

Section of Law

- ☐ Sec. 209(b), INA
☐ Sec. 13, Act of 9/11/57
☐ Sec. 245, INA
☐ Sec. 249, INA
☐ Sec. 2 Act of 11/2/66
☐ Sec. 2 Act of 11/2/66
☐ Other

Country Chargeable

Eligibility Under Sec. 245

Approved Visa Petition
 Dependent of Principal Alien
 Special Immigrant
 Other

Preference

Action Block

To be Completed by

Attorney or Representative, if any

☒ Fill in box if G-28 is attached to represent the applicant.

VOLAG #

ATTY State License # 197558

Continued on back

Part 3. Processing Information.

A. City/Town/Village of Birth Tehran, Iran		Current Occupation Senior Member of Technical Staff	
Your Mother's First Name Fateme		Your Father's First Name Khoei	
Give your name exactly how it appears on your Arrival /Departure Record (Form I-94) Rolsana Arandi			
Place of Last Entry Into the U.S. (City/State) Los Angeles, California		In what status did you last enter? (Visitor, student, exchange alien, crewman, temporary worker, without inspection, etc.) student	
Were you inspected by a U.S. Immigration Officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Nonimmigrant Visa Number 09276031		Consulate Where Visa Was Issued Ankara, Turkey	
Date Visa Was Issued (month/day/year) 07/11/1996	Sex: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	Marital Status <input type="checkbox"/> Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
Have you ever before applied for permanent resident status in the U.S.? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes," give date and place of filing and final disposition.			

B. List your present husband/wife and all your sons and daughters. (If you have none, write "none." If additional space is needed, use a separate piece of paper.)

Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
N/A			
Country of Birth	Relationship	A #	Applying with You? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? <input type="checkbox"/> Yes <input type="checkbox"/> No

List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none." Include the name(s) of the organization(s), location(s), dates of membership from and to, and the nature of the organization(s). If additional space is needed, use a separate piece of paper.

None

Part 3. Processing Information. (Continued)

Please answer the following questions. (If your answer is "Yes" to any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to adjust your status or register for permanent residence.)

1. Have you ever, in or outside the U. S.:
 - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? ☐ Yes ☒ No
 - b. been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☒ No
 - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☒ No
 - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the U. S.? ☐ Yes ☒ No
2. Have you received public assistance in the U.S. from any source, including the U.S. government or any state; county, city or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? ☐ Yes ☒ No
3. Have you ever:
 - a. within the past ten years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? ☐ Yes ☒ No
 - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☒ No
 - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally? ☐ Yes ☒ No
 - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity? ☐ Yes ☒ No
5. Do you intend to engage in the U.S. in:
 - a. espionage? ☐ Yes ☒ No
 - b. any activity a purpose of which is opposition to, or the control or overthrow of, the government of the United States, by force, violence or other unlawful means? ☐ Yes ☒ No
 - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☒ No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☒ No
7. Did you, during the period from March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☒ No
8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin or political opinion? ☐ Yes ☒ No
9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings? ☐ Yes ☒ No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S. or any immigration benefit? ☐ Yes ☒ No
11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
12. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver? ☐ Yes ☒ No
13. Are you now withholding custody of a U.S. citizen child outside the U.S. from a person granted custody of the child? ☐ Yes ☒ No
14. Do you plan to practice polygamy in the U.S.? ☐ Yes ☒ No

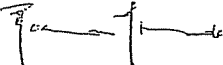
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Form I-485 (Rev. 02/07/00)N Page 3

Part 4. Signature. *(Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)*

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records which the INS needs to determine eligibility for the benefit I am seeking.

Selective Service Registration. The following applies to you if you are a man at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: I understand that my filing this adjustment of status application with the Immigration and Naturalization Service authorizes the INS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon INS acceptance of my application, I authorize INS to transmit to the Selective Service System my name, current address, Social Security number, date of birth and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, the INS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached age 26.

<i>Signature</i>		<i>Print Your Name</i>	<i>Date</i>	<i>Daytime Phone Number</i>
		Roxana Arvandi	X 11/1/2004	(408) 530-6547

Please Note: If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested benefit and this application may be denied.

Part 5. Signature of Person Preparing Form, If Other Than Above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

<i>Signature</i>	<i>Print Your Name</i>	<i>Date</i>	<i>Daytime Phone Number</i>
	Grace Hoppin		(415) 986-4559

Firm Name and Address Jackson & Hertogs
170 Columbus Avenue, Fourth Floor, San Francisco, CA 94133-5160, USA

UNITED STATES OF AMERICA

RECEIPT NUMBER WAC-05-031-50437		CASE TYPE I140
		IMMIGRANT PETITION FOR ALIEN WORKER
RECEIPT DATE November 16, 2004	PRIORITY DATE January 22, 2002	PETITIONER MAXIM INTEGRATED PRODUCTS
NOTICE DATE June 22, 2005	PAGE 1 of 1	BENEFICIARY A97 885 694 ARVANDI, ROKSANA
GRACE HOPPIN JACKSON & HERTOGS RE: MAXIM INTEGRATED PRODUCTS 170 COLUMBUS AVE FOURTH FLOOR SAN FRANCISCO CA 94133-5160		Notice Type: Approval Notice Section: Mem of Profession w/Adv Deg, or of Exceptn'l Ability Sec.203(b)(2)

The above petition has been approved. The person this petition is for will be notified separately when a decision is reached on his or her pending adjustment of status application.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER

P. O. BOX 30111

LAGUNA NIGUEL CA 92607-0111

Customer Service Telephone: (800) 375-5283



EXHIBIT C

Angie Volz

From: 485, CSC XII [CSC-XII.485@dhs.gov]
Sent: Tuesday, June 07, 2005 10:27 AM
To: Angie Volz
Subject: Re:INQUIRY: WAC-05-031-50539

This is to inform you that the I-485 in question is still pending. The reason that it is still pending is that USCIS is awaiting NAME CHECK results from the FBI. It may have been a long time since we sent the name, but USCIS has no control of the time it takes. We apologize for the delay

Thank You
James A Williams
Center Adjudications Officer
Div XII, California Service Center

Reply Separator
Subject: INQUIRY: WAC-05-031-50539
Author: "Angie Volz" <SMTP:avolz@jackson-hertogs.com>
Date: 5/11/05 12:23 PM

APPLICANT: Roxana ARVANDI

A#: A97 885 694

FORM: I-485 Adjustment of Status Application

Receipt: WAC-05-031-50539

STATUS INQUIRY: Ms. Arvandi filed an I-485 Adjustment of Status application in November, 2004. The I-485 application was filed concurrently with her employer's I-140 Immigrant Visa Petition on her behalf (WAC-05-031-50437).

The Notice Date of Ms. Arvandi's I-485 receipt and I-140 receipt is November 16, 2004. The case is now pending more than 30 days beyond the processing date in the latest JIT report. Please advise the status of the case.

Thank you!

Angie Volz

Paralegal for

Grace Hoppin

Attorney at Law

All immigrants and nonimmigrants (except A & G nonimmigrants) are legally obligated to notify USCIS of any changes of address within 10 days. Persons from certain countries are also required to notify USCIS when there are changes in school or employment and also to register with USCBP upon admission and departure. Please see our website or the USCIS website under change of address and special registration.

Angie Volz

JACKSON & HERTOGS

170 Columbus Avenue, Fourth Floor

-----Original Message-----

From: 485, CSC XII [mailto:CSC-XII.485@dhs.gov]
Sent: Tuesday, August 09, 2005 5:06 AM
To: Angie Volz
Subject: Re[3]:INQUIRY: WAC-05-031-50539

This is to inform you that the I-485 in question is still pending. The reason that it is still pending is that USCIS is awaiting NAME CHECK results from the FBI. It may have been a long time since we sent the name, but USCIS has no control of the time it takes. USCIS also does not have dates as to when the Names were originally sent to the FBI, we can only confirm that they in fact were sent. Please allow 120 days before additional inquiries. In the future we will not be addressing weekly inquiries. Please Note: If the principal is not adjudicated then the derivatives will NOT be adjudicated. We apologize for any and all inconvenience this may cause.

Thank You
James A Williams
Center Adjudications Officer
Div XII, California Service Center

Reply Separator

Subject: Re[2]:INQUIRY: WAC-05-031-50539
Author: CSC XII 485
Date: 8/9/05 7:08 AM

Reply Separator

Subject: INQUIRY: WAC-05-031-50539
Author: "Angie Volz" <SMTP:avolz@jackson-hertogs.com>
Date: 7/26/05 4:58 PM

APPLICANT: Roxana ARVANDI
A#: A97 885 694
FORM: I-485 Adjustment of Status Application

EXHIBIT E

U.S. Department of Homeland Security
California Service Center
P.O. Box 30111
Laguna Niguel, CA 92607-0111



**U.S. Citizenship
and Immigration
Services**

Friday, June 23, 2006

ROXANA ARVANDI
5041 VANDERBILT DR
SAN JOSE CA 95130

Dear ROXANA ARVANDI:

On 06/21/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	11/10/2004
Receipt #:	WAC-05-031-50539
Beneficiary (if you filed for someone else):	ARVANDI, ROXANA
Your USCIS Account Number (A-number):	A097885694
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security
Nebraska Service Center
P.O. Box 82521
Lincoln, NE 68501-2521



**U.S. Citizenship
and Immigration
Services**

Wednesday, April 4, 2007

ROXANA ARVANDI
5041 VANDERBILT DR
SAN JOSE CA 95130

Dear roxana arvandi:

On 01/31/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	Information not available
Receipt #:	wac-05-031-50539
Beneficiary (if you filed for someone else):	arvandi, roxana
Your USCIS Account Number (A-number):	Information not available
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

Our records indicate the I-485 application was received November 10, 2004 and is pending a decision in this office.

The application is currently undergoing extended review. You will be notified by mail when a decision is made on your application. Day approximations on receipt notices are only an estimate and your application may require more time. Furthermore, if all initial evidence is not included with your application, or a question arises during adjudication that requires a Request for Evidence, additional time will be needed.

We are sorry for any inconvenience this may cause.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

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U.S. Citizenship and Immigration Services Nebraska Service Center Processing Dates Posted November 14, 2007

The processing times shown below are a tool for our customers to gauge our current processing times. When applications and petitions are completed within our target timeframes, that goal will be shown in the data display.

The processing times shown below are for applications that have just been completed. If you have just filed your application, these timeframes may not reflect how long your application will take to be completed. We encourage you to check this page periodically before inquiring about your case. The processing times are updated monthly.

USCIS has received a significant increase in the number of applications filed. In July and August, nearly 2.5 million applications and petitions of all types were received. This compares to 1.2 million applications and petitions received in the same time period last year. This fiscal year, we received 1.4 million applications for naturalization; nearly double the volume we received the year before. The agency is working to improve processes and focus increased resources, including hiring approximately 1,500 new employees, to address this workload.

As a result, average processing times for certain application types may be longer. In particular, naturalization applications filed after June 1, 2007 may take approximately 16-18 months to process.

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our customer guide –

Case Services - How do I... know what kind of services are available to me after I file my application or petition?

Service Center Processing Dates for **Nebraska Service Center** Posted November 14, 2007

Form	Title	Classification or Basis for Filing	Processing Timeframe
I-90	Application to Replace Permanent Resident Card	Initial issuance or replacement	November 06, 2006
I-90	Application to Replace Permanent Resident Card	10-year renewal	January 16, 2007
I-90A	Application to Replace Permanent Resident Card	Initial issuance or replacement for Special Agricultural Workers (SAW)	6 Months
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	Initial issuance or replacement of a Form I-94	July 20, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Visa to be issued abroad	2 Months
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Change of status in the U.S.	2 Months
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Extension of stay in the U.S.	2 Months

EXHIBIT 11
2 Months

I-129	Petition for A Nonimmigrant Worker	H-2A - Temporary work	15 Days
I-129	Petition for A Nonimmigrant Worker	H-2B - Other temporary workers	30 Days
I-129	Petition for A Nonimmigrant Worker	H-3 - Temporary trainees	2 Months
I-129	Petition for A Nonimmigrant Worker	L - Intracompany transfers	30 Days
I-129	Petition for A Nonimmigrant Worker	Blanket L	2 Months
I-129	Petition for A Nonimmigrant Worker	O - Extraordinary ability	2 Months
I-129	Petition for A Nonimmigrant Worker	P - Athletes, artists, and entertainers	2 Months
I-129	Petition for A Nonimmigrant Worker	Q - Cultural exchange visitors and exchange visitors participating in the Irish Peace process	2 Months
I-129	Petition for A Nonimmigrant Worker	R - Religious occupation	2 Months
I-129	Petition for A Nonimmigrant Worker	TN - North American Free Trade Agreement (NAFTA) professional	2 Months
I-131	Application for Travel Document	Permanent resident applying for a re-entry permit	May 23, 2007
I-131	Application for Travel Document	Refugee or asylee applying for a refugee travel document	May 23, 2007
I-131	Application for Travel Document	Haitian Refugee Immigrant Fairness Act (HRIFA) principal applying for advance parole	July 03, 2007
I-131	Application for Travel Document	Haitian Refugee Immigrant Fairness Act (HRIFA) dependent applying for advance parole	February 18, 2007
I-131	Application for Travel Document	All other applicants for advance parole	July 03, 2007
I-140	Immigrant Petition for Alien Worker	Extraordinary ability	November 15, 2006
I-140	Immigrant Petition for Alien Worker	Outstanding professor or researcher	February 15, 2007
I-140	Immigrant Petition for Alien Worker	Multinational executive or manager	January 01, 2007
I-140	Immigrant Petition for Alien Worker	Schedule A Nurses	November 01, 2006
I-140	Immigrant Petition for Alien Worker	Advanced degree or exceptional ability	March 21, 2007
I-140	Immigrant Petition for Alien Worker	Advanced degree or exceptional ability requesting a National Interest Waiver	September 26, 2006
I-140	Immigrant Petition for Alien Worker	Skilled worker or professional	January 01, 2007
I-140	Immigrant Petition for Alien Worker	Unskilled worker	November 05, 2006
I-212	Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	Readmission after deportation or removal	April 17, 2007
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	All other special immigrants	6 Months
I-485	Application to Register Permanent Residence or to Adjust Status	Employment-based adjustment applications	April 14, 2007
I-485	Application to Register Permanent Residence or to Adjust Status	Based on grant of asylum more than 1 year ago	February 01, 2007
I-485	Application to Register Permanent Residence or to Adjust Status	Based on refugee admission more than 1 year ago	December 08, 2006
I-485	Application to Register Permanent Residence or to Adjust Status	Under the Haitian Refugee Immigrant Fairness Act	6 Months

	to Adjust Status	(HRIFA)	
I-485	Application to Register Permanent Residence or to Adjust Status	Under the Indochinese Adjustment Act	6 Months
I-539	Application to Extend/Change Nonimmigrant Status	Change of status to H or L dependents	May 10, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change status to the F or M academic or vocational student categories	May 10, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change Status to the J exchange visitor category	May 10, 2007
I-539	Application to Extend/Change Nonimmigrant Status	All other change of status applications	May 10, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of stay for H and L dependents	May 10, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for F or M academic or vocational students	May 10, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for J exchange visitors	May 10, 2007
I-539	Application to Extend/Change Nonimmigrant Status	All other extension applications	May 10, 2007
I-612	Application for Waiver of the Foreign Residence Requirement	Application for a waiver of the 2-year foreign residence requirement based on exceptional hardship or persecution	April 08, 2007
I-730	Refugee/Asylee Relative Petition	Petition for accompanying family members of a refugee or an asylee	September 16, 2006
I-751	Petition to Remove the Conditions on Residence	Removal of lawful permanent resident conditions (spouses of U.S. citizens and lawful permanent residents)	January 27, 2007
I-765	Application for Employment Authorization	Based on an approved asylum application [(a)(5)]	30 Days
I-765	Application for Employment Authorization	Based on a request by a qualified F-1 academic student. [(c)(3)]	11 Weeks
I-765	Application for Employment Authorization	Based on a pending asylum application [(c)(8)]	30 Days
I-765	Application for Employment Authorization	Based on a pending I-485 adjustment application [(c)(9)]	July 03, 2007
I-765	Application for Employment Authorization	All other applications for employment authorization	11 Weeks
I-817	Application for Family Unity Benefits	Voluntary departure under the family unity program	6 Months
I-824	Application for Action on an Approved Application or Petition	To request further action on an approved application or petition	January 20, 2007

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PROOF OF SERVICE BY MAIL

I, Beth Feinberg, the undersigned, say:

I am over the age of eighteen years and not a party to the within action or proceedings; my business address is Van Der Hout, Brigagliano & Nightingale, LLP; 180 Sutter Street, Fifth Floor, San Francisco, CA 94104.

On November 29, 2007, I caused to be served the within:

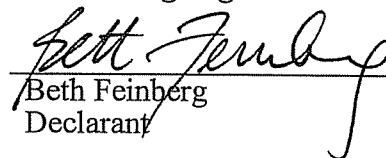
Declaration of Beth Feinberg

in Support of Petition for Writ of Mandamus

on the opposing counsel by depositing one copy thereof, enclosed in a sealed envelope with postage fully pre-paid, in a mailbox regularly maintained by the United States Postal Service at San Francisco, California, addressed as follows:

Civil Process Clerk
Office of the United States Attorney
Northern District of California
450 Golden Gate Ave.
Tenth Floor, Box 36055
San Francisco, CA 94102

Executed on November 29, 2007, at San Francisco, California. I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.


Beth Feinberg
Declarant